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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,385	09/16/2003	William J. Sequeira	600253-029	1608
61834 DREIER LLP Susan Formicola 499 PARK AVE NEW YORK, NY 10022	7590 10/15/2008		EXAMINER STORK, KYLE R	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 10/15/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/663,385

Applicant(s)

SEQUEIRA, WILLIAM J.

Examiner

KYLE R. STORK

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This final office action is in response to the remarks filed 12 September 2008.
2. Claims 27-32 are pending. Claim 27 is an independent claim.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 27-32 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The applicant discloses a "system for converting interactive Internet content (claim 27, line 1)." This system comprises a plurality of means and data structures for storing data (lines 4-14). However, neither the means nor the data structures provide hardware components comprising a system. Therefore, this system appears to be a software system comprising functional descriptive material. Independent claim 27 and dependent claims 28-32 are therefore rejected as being directed toward non-statutory subject matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 27-29 and 31-32 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US 7356530, filed 10 January 2001, hereafter Kim) and further in view of Holland et al. (US 6507867, filed 22 December 1998, hereafter Holland).

As per independent claim 27, Kim discloses a system for converting interactive Internet content to a form suitable for distribution to clients with a limited or non-existent return channel while preserving the interactivity of the content, the system comprising:

means for selecting and partitioning one or more pages of interactive Internet content (column 4, lines 30-44: Here, a crawler crawls the Internet. Each obtained page is categorized and stored, including a page's interactive links)

a Page URL data structure storing data for use in identifying pages of interactive content (column 4, lines 45-58: Here, a URL management system (UMS) is used to store a page URL in a hash table)

a Page Partition data structure storing data for use in tracking partitions that make up a page of interactive content (Figure 1, item 14: Here, the content of a page is stored)

a Partition Link data structure storing data for use in tracking navigation data contained in a partition (column 4, line 59- column 5, line 3: Here, links contained with the page are stored. These links are used to navigate between various pages of the Internet)

Kim fails to specifically disclose:

means for integrating data stored in the Page URL, Page Partition, and Partition Link data structures and partitions into a bundle; and

means for distributing the bundle to a client device

However, Holland discloses:

means for integrating data stored in the Page URL, Page Partition, and Partition Link data structures and partitions into a bundle (Figure 7, item 740: Here, each of a Page URL, Page Partition, and Partition Link are components of a web page. The bundling web server obtains the referenced data pages and constructs a bundle. This bundle inherently includes a Page URL, Page Partition, and Partition Link)

means for distributing the bundle to a client device (Figure 7, item 780)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Holland with Kim, since it would have allowed for efficient transfer of page components into a single packet.

As per dependent claim 28, Kim and Holland disclose the limitations similar to those in claim 27, and the same rejection is incorporated herein. Kim further discloses wherein the Page URL data structure contains data regarding the URL of the selected pages and a unique identifier for each page (column 4, lines 45-58: Here, a hash table contains the URLs of each page. The hash data structure contains a unique key, which is used to access and identify the corresponding value (URL)).

As per dependent claim 29, Kim and Holland disclose the limitations similar to those in claim 27, and the same rejection is incorporated herein. Kim further discloses

wherein the Page Partition data structure contains a unique identifier for each partition (column 4, line 59- column 5, line 3: Here, the Page Partitions are identified based upon the hash key associated with the URL of the page from which the partition was extracted).

As per dependent claim 31, Kim and Holland disclose the limitations similar to those in claim 27, and the same rejection is incorporated herein. Kim further discloses wherein the Partition Link data structure contains data regarding location and destination of each link in a partition (column 4, line 45- column 5, line 3).

As per dependent claim 32, Kim and Holland disclose the limitations similar to those in claim 31, and the same rejection is incorporated herein. Kim fails to specifically disclose wherein the coordinate system is selected from the group consisting of x-y coordinates, x-y-z coordinates, or polar coordinates. However, the examiner takes official notice that such coordinate systems were notoriously well known in the art at the time of the applicant's invention as providing absolute positions for display of data items within a web page. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined the well known location schemas with Kim, since it would have specified the absolute location of items on a web page.

7. Claim 30 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Kim and Holland and further in view of Jeffrey et al. (US 2002/0083090, filed 27 December 2000, hereafter Jeffrey).

As per dependent claim 30, Kim and Holland disclose the limitations similar to those in claim 29, and the same rejection is incorporated herein. Kim fails to specifically disclose navigation including previous and next steps. However, Jeffrey discloses navigation between data items including previous item and next item (paragraph 0052). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Jeffrey with Kim, since it would have allowed a user to easily navigate between data items.

Response to Arguments

8. Applicant's arguments filed 12 September 2008 have been fully considered but they are not persuasive.

The applicant's initial argument is directed toward the rejection of claims 27-32 under 35 USC 101. Although the applicant appears to argue that either the means for selecting and partitioning or the means for integrating data include some hardware component (page 2), the applicant has not provided support within the specification describing such means as being a hardware component.

Further, the applicant argues that it would be recognized by one of ordinary skill in the art "that a processing means can be implemented in a processing device (page 2)." However, the ability of the processing means to be implemented in a processing device does not explicitly require the means to be implemented in a processing device. The means may just as easily be implemented as software, which falls outside the scope of 35 USC 101.

Finally, although the applicant argues that software does not exist in a vacuum, but rather is embodied on physical processing components performing physical processing operations (page 2). The examiner does not disagree with the applicant's assessment that a computer program product stored on a computer readable medium, which when executed by a processor, causes a processor to perform the steps of the program is statutory. However, the applicant's claim language includes neither a computer program product stored on a computer readable medium, nor a processor or other hardware means capable of constituting a system. For these reasons, the rejection of claims 27-32 under 35 USC 101 is maintained.

With respect to the rejection of claims under 35 USC 103, the applicant argues that the prior art of record fails to disclose partitioning an interactive document into multiple partitions (page 4). However, the applicant's claim language does not require a single interactive document to be partitions into more than one partition. Instead, the applicant's claim language merely requires partitioning one or more pages of interactive content (claim 27, lines 4-5). On its most basic level, this merely requires that one or more pages be partitioned, or separated from each other. It does not require each page to be partitioned into a plurality of different partitions. Instead, each web page may be stored entirely within a single partition. In this instance, Kim discloses partitioning the crawled web pages into partitions, each partition holding the entirety of a single web page (column 4, lines 30-44). Further, the applicant acknowledges the fact that each crawled page of Kim is stored within a single partition (page 4). Although the applicant argues that storing each web page within its own partition is not partitioning (page 4),

the examiner respectfully disagrees. Each crawled page is partitioned from every other crawled page. Therefore, the applicant's claim language of "portioning one or more pages of interactive content (claim 27, lines 4-5)" is met. For these reasons, this argument is not persuasive.

The applicant further argues that Kim cannot disclose limitations such as categorizing and storing the partitions, as Kim fails to teach partitioning (pages 4-5). However, as the examiner explained, Kim teaches partitioning of web pages (see above). Therefore, these arguments are not persuasive.

Additionally, the applicant argues that Holland fails to disclose bundling (page 5). However, the examiner respectfully disagrees. The applicant's argument is based upon the belief that the claim language requires bundles to contain several partitions from a single web page (page 5). However, as the examiner has explained with respect to Kim, the applicant's claim language merely requires the partitioning of several web pages by partitioning the plurality of web pages from each other. Based upon the use of the term partitioning within the claim, bundling related partitions, would constitute bundling related web pages. Further, Holland discloses bundling related web pages (Figures 6A-6B). Additionally, the applicant recognizes this teaching of Holland (page 5). Therefore, based upon the applicant's claim language, Holland discloses the claimed bundling operation. This argument is not persuasive.

Finally, the applicant argues that Jeffrey fails to cure the deficiencies with respect to Kim and Holland. However, Kim and Holland do not contain the applicant's believed deficiencies, and this argument is not persuasive.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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krs